

### REMARKS

Prior to examination on the merits, the Examiner is respectfully requested to give due consideration to the above-outlined amendments and the arguments presented hereinbelow, to indicate the allowability of the claims, and to pass this case to issue.

#### Status of the Claims

Claims 3-19 are under consideration in this application. Claims 3-4, 6-7, 10-11, 13, and 16-19 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicants' invention.

#### Additional Amendments

The claims are being amended to correct formal errors and/or to better disclose or describe the features of the present invention as claimed. All the amendments to the claims are supported by the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

#### Concurrently Filed IDS References

Applicants hereby submit two prior art references cited by the European Patent Office JP –A-8-154924 by Kasahara et. al. (hereinafter “Kasahara”) and US Pat. No. 5,803,909 to Maki et al. (hereinafter “Maki”; which was previously cited by the Examiner).

The optical measurement device which optically measures a measurement object substance (e.g., oxyhemoglobin, deoxyhemoglobin and all hemoglobins , p. 15, lines 18-22; p. 24, last line) within a brain of a subject (so to measure brain function, p. 2, line 14), as now recited in claim 4, comprises: illuminating means for sending out a light to illuminate the subject; detecting means for detecting at least one reflected or scattered light from the illuminated subject; determining means for determining *a measurement amount variation* of the measurement object substance at a measurement position according to a detection value detected at a detection position by the detecting means; displaying means for displaying on a first image screen a mapping image formed by connecting points with an equal measurement amount variation as determined by the determining means; and designating means for designating at least one position 4-3 on the mapping image or in the brain of the subject so as to visually output in a second image or audibly output a numerical value of the

measurement amount variation of the measurement object substance at the position designated (“Coordinate values in horizontal and vertical directions of the position designated by the pointer 4-3 are displayed at a display region 4-4, and a measurement amount or its variation of the measurement object substances (specifically, oxyhemoglobin, deoxyhemoglobin and all hemoglobins) at the designated position are displayed at a display region 4-4”p.24, last four lines; Fig. 4).

Applicants contend that none of the prior art references cited by the European Patent Office teaches or suggests such “designating means for designating at least one position on the mapping image or in the brain of the subject so as to visually output in a second image or audibly output a numerical value of the measurement amount variation of the measurement object substance at the position designated” as the invention.

In contrast, Kasahara merely shows a retinal image and designates a position to show a *measurement amount* (but not a *measurement amount variation*) of a relevant *oxygen content rate*. “By moving the cursor on the monitor screen through manipulation of the mouse 38 and by designating any position of the retinal image, a specific pixel in the respective frame memories is determined and the oxygen content rate and the color information at the pixel, in that at the designated position is calculated so as to permit to display the same on the monitor screen ([0027] in Kasahara)”. Further, Kasahara only “measures the content of oxygen in the blood stream of the artery very close to the brain (Abstract)” via the retinal camera (i.e., back of the eye), but not within the brain as in the present invention.

Maki fails to compensate for Kasahara’s deficiencies. Maki only shows a mapping image formed by connecting points with an equal measurement amount or measurement amount variation. No position on the mapping image is designated for outputting a numerical value of the measurement amount variation of the measurement object substance at the position designated in Maki.

One skilled in the art will not be motivated to combine the teachings in Kasahara and Maki, since Maki’s equipment arrangement for measuring the surface of a brain was very different from Kasahara’s system for measuring the back of an eye.

Even if, arguendo, one skilled in the art were motivated to combine the teachings in Kasahara and Maki, such combined teachings would still fall short in fully meeting the Applicants’ claimed invention as set forth in claim 4 since, as discussed, there is no teaching of “designating at least one position on the mapping image or in the brain of the subject so as to visually output in a second image or audibly output a numerical value of the measurement

amount variation of the measurement object substance at the position designated” in either Kasahara and Maki.

Applicants contend that the cited references or their combinations fail to teach or disclose each and every feature of the present invention as disclosed in independent claim 4. As such, the present invention as now claimed is distinguishable and thereby allowable over the currently filed IDS references.

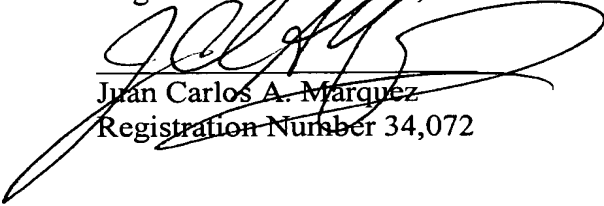
### Conclusion

In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicants respectfully contend that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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